

REMARKS

The Office Action dated July 18, 2003 has been received and carefully noted. The preceding amendments and the following remarks are submitted as a full and complete response thereto.

Claim amendments

Claims 1-25 are pending in the present application. Claim 23 has been withdrawn from consideration. Claim 1-16 and claim 18 are amended herewith. Claim 26 is added herewith. The amendments to claim 2-16 were made for the sole purpose to adjust the claim language to U.S. format and shall not be construed to limit the scope of the claims. Claim 18 as been amended to reintroduce a term that was mistakenly omitted in a previous amendment.

Objections to the specification

In paragraph 3, the Office objects to the specification in view of the references to specific claims contained therein.

In response to this objections Applicants have amended the respective paragraphs of the specification accordingly.

Novelty rejections

On page 3, paragraphs 4-6, the Office rejects claims 1-25 under 35 U.S.C. §102(a) as being anticipated by Yamamoto (Japanese publication 2001-308477).

The Examiner notes that this publication will not qualify as prior art under 102(a) if this document and the present invention involve the same inventive entity.

Applicants respectfully submit that the present application is in fact based on Japanese publication 2001-308477 (see inventor's declaration, wherein the publication is identified as application 2000-126393). Accordingly, the present application and the invention disclosed in Japanese publication 2001-308477 involve same inventive entity. In view of this, Applicants submit that the rejection is moot.

In paragraphs 7 and 8, the Office rejects claims 1-2 and 24 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent Application No. 2002/0004123, filed June 20, 2001 and published January 10, 2002, to Yamamoto.

Applicants respectfully submit that U.S. Patent Application No. 2002/0004123 constitutes the work of three of the four inventors of the present application, rendering this rejection moots (See MPEP §2132.01). Applicants will file a declaration asserting the above if the Examiner so desires.

Obviousness rejections

In paragraphs 9-11, the Office rejects claims 5-7, 11-13, 17-21 and 25 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Publication No. 2002/0004123 A1 to Yamamoto in view of U.S. Patent No. 6,270,889 to Kataoka, U.S. Patent No. 6,541,126 to Yoshioka or U.S. Patent Application No. 2002/00909497.

Applicants have established above, that U.S. Patent Application No. 2002/0004123 does not constitute art under 35 U.S.C. §102(a). Accordingly, applicants respectfully submits that U.S. Patent Application No. 2002/0004123 could only be properly applied in an obviousness rejection under 35 U.S.C. §103/102(e).

Applicants respectfully submit that Mitsui Mining & Smelting Co., the assignee of the present application, had, at the time the present invention was made, rights to the invention of U.S. Patent Publication No. 2002/0004123 or was indeed the recorded assignee. Applicants will file an declaration to this effect if the Examiner so desires.

In paragraphs 12-13, the Office rejects claims 1 and 24 under 35 U.S.C. §103(a) as obvious over U.S. Patent 6,531,950 to Becker in view of U.S. Patent No. 5,908,542 to Lee.

The Office alleges that Becker discloses an electrolytic copper foil with a copper nodule treatment on one side and a nickel flash treatment on both sides. The Office acknowledges that Becker does not disclose the thickness of the nickel flash treatment. However, the Office alleges that Lee shows that typical nickel flash treatments are

between 0.2-3 microns and more preferably between 0.7 to 1.5 microns thick.

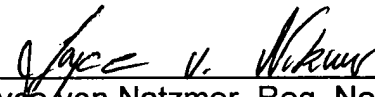
Accordingly, the Office concludes that it would have been obvious for one skilled in the art to use an nickel flash treatment of 0.7-1.5 microns thickness on the copper foil of Becker.

Applicants have amended claim 1 to recite that the copper foil is provided with a nickel layer of a thickness of 0.08 to 2.0 μm on a first side, but not the second side. Becker teaches treatment of the foil on both sides, and there would be no motivation to one skilled in the art to eliminate the treatment on one of the foil sides of Becker. Also, in view of the amendment to the claim, the cited references do not teach all the claim limitations of the claimed invention as required to support a prima facie case of obviousness.

In view of the amendments to claim 1 and the remarks above, Applicants believe that this case is now in condition for allowance and issuance of a Notice of Allowance is respectfully requested.

In the event that this paper is not accompanied by the full fee required for its consideration, the Commissioner is authorized to charge any insufficient or missing fees to RFEM's deposit account No. 02-2135. The Commissioner is also authorized to deposit any overpayment to the same account.

Respectfully submitted,

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